

**6098. Adulteration and misbranding of tomatoes. U. S. \* \* \* v. 760 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8848. I. S. No. 8559-p. S. No. C-838.)**

On March 14, 1918, the United States attorney for the District of Western Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 760 cases of tomatoes at Austin, Tex., alleging that the article had been shipped on or about October 25, 1917, by Wm. W. Finney, Bellaire, Md., from the State of Maryland into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Quarryville Brand Tomatoes, Wm. W. Finney, Sales Agent."

Adulteration of the article was alleged in the libel for the reason that added water had been mixed and packed therewith so as to reduce and lower and injuriously affect their value, and had been substituted in part for the article.

Misbranding of the article was alleged for the reason that the statement borne on the cans, to wit, "Tomatoes," deceived and misled the purchaser into the belief that the product consisted entirely of tomatoes, whereas examination showed the presence of added water.

On March 26, 1918, the Heidenheimer-Strassberger Co., Austin, Tex., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant firm upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that the product should be properly relabeled so as to show the presence of added water.

CARL VROOMAN, *Acting Secretary of Agriculture.*